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Subject: The Informer - June 2018
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The Informer - June 2018

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1. Case Summaries

United States Supreme Court

City of Hays Kansas v. Vogt: Whether the Fifth Amendment's Self Incrimination Clause prohibits the use of compelled statements at a probable cause hearing.

Collins v. Virginia: Whether a police officer could enter private property without a warrant or consent, approach a home, and search a vehicle parked a few feet from the house under the autombile exception to the Fourth Amendment's warrant requirement.

Lozman v. City of Riviera Beach, Florida : Whether the existence of probable cause defeats a First Amendment retaliatory-arrest claim as a matter of law.
Carpenter v. United States : Whether the Fourth Amendment requires the government to get a search warrant to obtain historical cell site location information from wireless carriers or if this information can be obtained by a court order under Section 2703(d) of the Stored Communications Act.

Circuit Courts of Appeals

Second Circuit

United States v. Alexander: Whether the area where an officer found two guns was part of the curtilage of the defendant's home.

Third Circuit

United States v. Foster : Whether an officer established reasonable suspicion to detain a suspect, handcuff him, and transport him back to a plaza for identification purposes.

Fourth Circuit

United States v. Louis: Whether a photo array was impermissibly suggestive.

United States v. Kolsuz: Whether a forensic search of the defendant's cell phone was lawful under the border search exception to the Fourth Amendment's warrant requirement.

Sixth Circuit

United States v. Sweeney: Whether the warrantless search of the defendant's residence and seizure of his cell phone by his parole officer and DHS agents was reasonable.

Seventh Circuit

United States v. Thurman: Whether the defendant voluntarily waived his Miranda and whether he voluntarily consented to a search of his cell phone.

United States v. Key: Whether the discovery and subsequent seizure of evidence from the defendant's motel room was lawful under the plain view doctrine.

Eighth Circuit

United States v. Garcia : Whether an officer's encounter with the defendant on an Amtrak train was consensual and whether the defendant voluntarily consented to a search of his bag.
United States v. Perez-Trevino: Whether an officer conducted a valid inventory search of the defendant's car and whether the government established probable cause and satisfied the necessity requirement in its application for a wiretap warrant.
United States v. Edwards: Whether officers had probable cause to arrest the defendant and search his car under the automobile exception to the warrant requirement.

Ninth Circuit

United States v. Johnson: Whether officers conducted a valid inventory search of the defendant's car after arresting him.

Tenth Circuit

United States v. Hammond : Whether officers had reasonable suspicion to frisk the passenger of a car for weapons during a traffic stop.

Eleventh Circuit

Montanez v. Carvajal : Whether the officers' multiple warrantless entries into the plaintiff's house violated the Fourth Amendment.
United States v. Touset : Whether a forensic search of the defendant's electronic devices was lawful under the border search exception to the Fourth Amendment's warrant requirement.

2. FLETC Talks

A brief review of United States Supreme Court cases involving a variety of Constitutional issues relevant to law enforcement officers.

1. **Minnesota v. Dickerson** (Plain-Touch Doctrine)

When a police officer detects contraband through his or her sense of touch during a lawful Terry frisk, does the Fourth Amendment permit the officer to seize it?

https://www.youtube.com/watch?v=3s4bDZ83krw

2. **O'Connor v. Ortega** (Government Workplace Searches)

A discussion of the Fourth Amendment rights of government employees with regard to administrative searches in the workplace, during investigations by supervisors for suspected violations of agency policy rather than by law enforcement officers for criminal offenses.

https://www.youtube.com/watch?v=WeTm3GrzR4Q

3. **New York v. Belton** (Search Incident to Arrest – Vehicles)

Can police officers lawfully search the passenger compartment of a vehicle and containers found within it after arresting the occupants?

https://www.youtube.com/watch?v=ngn9LATgI-M

4. **Government Employees and Free Speech Rights**

The First Amendment permits, in certain circumstances, government employees, to include police officers, to speak as private citizens on matters of public concern. Click on the link below for a discussion on the limitations a government employer can place on its employees right to free speech under the First Amendment.

https://www.youtube.com/watch?v=W6EBfL9_oPY

3. FLETC Informer Webinar Schedule

FLETC Legal Resources | **FLETC Talks**

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